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Subject: Prof. Petro ^{Konstantinovich} Nedbaylo ^{a.o.b. ca 1908}
Source: PX ^{Delegate to U.N. Human Rights Commission}
Date: 19 March 1968 ^{Lawyer - Jurist}

The meeting took place in a private apartment with several persons present. Subject was accompanied by Victor Cherniavsky, second secretary of the UKSSR Mission to UN. They came in a black Mission car, which Cherniavsky was driving.

The following persons were present: Klachko, Piddubnyshyn, Holubnychys, the Zhayenkos, Chomiak, Chubaty, Labunka, Lysiak-Ludnytsky, Rev. Solovey, Stakhiv.

At first, a cocktail party atmosphere prevailed, with everyone standing around, drinking and engaged in small talk. Later Klachko asked everyone to sit down, so that further conversation could be conducted in a form of a meeting, with everyone taking his or her turn to speak. She asked Holubnychy to act as chairman and to lead off the discussion.

The general atmosphere was congenial, or at least each side assured the other that it was so.

Sovereignty of UKSSR.

Holubnychy led off with this topic, outlining the two main views which prevail among the Ukr. emigres: some insist that UKSSR is not a sovereign nation, others, including Holubnychy, that it is potentially sovereign but that at present it cannot be considered fully sovereign.

Nedbaylo's reply to this was approximately as follows. He knows that in the West there are views that a country gives up some of its sovereignty when it joins a pact of an alliance. But the Soviet

Paul
5 RI/US
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Klachko
Cherniavsky
Chubaty

view is that sovereignty is indivisible. Therefore Ukraine is sovereign. "You and I have to understand this, and we must keep emphasizing it." Another thing is Ukraine's kompetentsiyyi (cognizance or mandate), which have been to a certain extent given up to USSR. USSR, he emphasized, is a pact state (dohovirna derzhava), and Ukraine had agreed that some of its responsibilities, should be conducted by the organs of this pact state, but the principle of sovereignty exists, and Ukraine can at any moment take back some of these kompetentsiyyi. Opening up of Ukrainian embassies is one of these things. "You may think that the time for them is now, and there is nothing wrong with such views. We happen to think that we don't need an embassy in Canada at present. We may change our mind next year or in five years."

When Labunka suggested that sovereignty is manifested in the conduct of a country's external affairs, Nedbaylo brought up Senegal. Labunka replied that "we don't say that Senegal is sovereign." Then Nedbaylo pulled off the following (addressing Labunka):

"Do you have freedom of speech?"

"Yes."

"But if you keep quiet on a given issue, do you still have it?"

"Yes."

"The same applies to sovereignty. We should not, we must not say that Ukraine does not have sovereignty. It's a matter of principle."

Legal Studies

Nedbaylo seemed very proud of the new law journal he is editing. He called it Problemy Pravoznnavstva, although it is believed that the name should be Pravoznnavstvo. He said it is more theoretical, while the Nadyans'ke Pravo is more a practical journal designed for lawyers and administrators. He said his student, Mykola Mishin, now an exchange student at Columbia U. has the first two ^{issues} ~~numbers~~. He had told Nedbaylo, that the editorial in the first issue was very well received by students here and that they have already made several Xerox copies of it. The sixth issue is now in print.

Nedbaylo asked whether those present have seen the 17th volume of Ukrainian Soviet Encyclopedia. "We have and we did not like it," said

...any. "But did you read my article in it on the theory of law?" asked Nedbaylo. Solovayev replied that he had not, but will certainly read it now.

Nedbaylo also was very proud of the fact that they intend to teach history of Ukrainian theory of Law, but still have to do something about the text books. Chubaty said he has three books covering the early period and will present it to Nedbaylo.

Another thing Nedbaylo plans to do is publish history of Ukrainian jurists, and he said Dzhomanov would be included in it, as will many other pre-Revolution personalities.

Religion

Rev. Solovey brought up the subject, and he specified that he would put aside the question of the Ukr. Catholic Church, which had been liquidated exactly 20 years ago, but that he was disturbed because in Ukraine there is no Ukrainian Orthodox Church, only the Russian one. Nedbaylo said this is something that should be taken up with the church authorities. "I'm just a jurist. If I were the Exarch in Kiev I would demand all the rights due me." Solovey explained that the Kiev Exarch is himself a Russian. Nedbaylo started to explain then about the separation of Church and State in the USSR sticking close to the official line, and he would not argue too far ~~xxxxxx~~ on this subject, saying that his specialty is the theory of law. He did throw in the information that he is a non-believer but that his mother is a believer, and that he himself likes Church services, and that no one persecutes either his mother or himself for it.

The talk then turned to the Ukrainian Catholic Church and those present showed Nedbaylo that it was liquidated unjustly, with false accusations of collaboration with the Nazis directed against its hierarchy. Nedbaylo said that he was in Lviv when the Catholic Council took place, which decided to amalgamate the Catholic Church with the Orthodox. He was not familiar with the volume of documents published in Ukraine on this congress, but a copy was available and it was shown to him. ~~The reason for this was that~~ ^{an amalgamation} he insisted ~~it~~ was a church matter, so the state had no right to do with it. On the basis

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of these documents it ~~could be~~ shown to him that the state had very much to do with this congress and its decisions. Nedbaylo said he would have to read these documents more carefully "because I am a scholar and a jurist. There is a chinovnik (official) (he pointed to Cherniavsky), I am just a scholar." Stakhiv then came up with the following idea: "We should not argue about these things now. We all know that it took ~~xxx~~ place during the cult of personality period, when many things were done improperly. But now is the time to correct things, rehabilitate the Church hierarchy and the Church itself." Again, Nedbaylo pleaded that he is not the right person to approach about this, because he is not in the government. Stakhiv said, "we realize this, but we would like you to be our lawyer, or lobbyist in this matter in Kiev." Nedbaylo took this as a joke, but was not very comfortable with such suggestion, and did not have an answer to it.

Amalgamation of nations

Klachko suggested this topic next, reminding Nedbaylo that they have been kicking it around to ether for the past three years. He was ready to talk about it he said. He insisted that the theory was unscientific, that he does not know where we got it. Another thing is the drawing together of nations, he said. That may take place in some distant future as nations live to ether and borrow cultural aspects from one another. But he always insists that there is no need to force this along, because there is still so much to be done in the development of each individual nation. Klachko said that perhaps "Mr. Chomiak might have something to add to this." On hearing the name, Nedbaylo said, "Chomiak, Chomiak, who is Chomiak?" Then, "Oh it's you, yes, yes, I read some of your things. In Suchasnist, right? Yes, Chomiak, I have read..." It appeared he was mainly referring to the item on P. I. Tronko's speech at the U.N. which was printed with deletions in Radyns'ka Ukraina. He referred to this three times more during the evening, saying it was too sharp. There was no need to be so offensive about it, etc.

Chomiak then said that the trouble with theory and practice of the amalgamation of nations or drawing together of nations is the way it is interpreted at the lower levels in Ukraine. He mentioned an article by Antonenko-Davidenko, in which the writer talks about

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a village teacher of Ukrainian, who talks in a Russian-Ukrainian mixture, because this fits the proclaimed line about the drawing to either of nations. The trouble is that an article in Komunist Ukrainy mentioning this theory is interpreted as a rule by some ~~xxx~~ fool in a village. Nedbaylo said this is exactly right. People who do this are fools. Chomiak then added that not enough is done at the top to dissuade such foolish ideas.

Nedbaylo next began to talk in very positive terms about the good things being done in culture and in scholarship in Ukraine. He again mentioned the Encyclopedia and some other projects that are in planning stages. After some of this, Chomiak said it was truly a pleasure to hear such things from Prof. Nedbaylo, but both he and we know that in ten days the 23rd Party Congress starts, and on the basis of past history its outcome may change a lot of things. "There are views, among Western specialists that it will stop de-Stalinization and may even bring up partial re-Stalinization. This offended the old man, and he retorted with "Who told you this?" "Four days ago, speaking at Columbia University Prof. Leonard expresse such fears," replied Chomiak. "No, no, this cannot happen", said Nedbaylo.

Lysian-Rudnytsky asked Nedbaylo whether he had read Lysian's article in Komunist on the correctness on US policy in Vietnam. Nedbaylo said he had not, but he could not believe that the nephew of his good friend Mykhailo Rudnytsky could write such nonsense. Lysian then summarized his article, and Nedbaylo said it was a novel approach. "And those are your views?" he said, and shook his head in disbelief.

Cultural Exchange

Nedbaylo suggested the empires should maintain better contacts with the exchange bodies in Ukraine. Stakniv asked which one, because "Smolych does not want us, only the progressives." Nedbaylo said that he is not in the Smolych group, but that ~~he~~ he heads the juridical section in Kolosova's society.

Lysian said he would gladly go to teach in Kiev for a year, if he were invited. Nedbaylo explained that Kiev U. maintains contact with Yale and De Kiev, but that lately Yale has indicated it would like to switch to some other Soviet university in order not to dance with the same lady throughout the ball."

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Miscellaneous

Nedbaylo was very pleased to meet Chubaty, because they had several mutual acquaintances in Lviv, where Nedbaylo lived for 20 years.

He said he would like to re-establish contact with Prof. Fedynsky, whom he knows from Lviv. He was told that Fedynsky is now at Univ. of Indiana in Bloomington. Labanka mentioned that Oleksa Motyl, now of New York used to be a student of Nedbaylo's, but Nedbaylo could not remember him.

About Nedbaylo

He is from Cherniviv, and used this fact to explain his accent. "It's soft, like the Byelorussian, did you notice?" Others at the meeting said later (in private) that his accent was more Russian than Byelorussian. He was born in 1908 or 1907. He came to Lviv in 1939, and left with the Soviets in 1941. During the war he was in the army, and after the war returned to Lviv. About six years ago he went to Kiev.

He is very proud of his status as delegate to the Human Rights Commission of the UN and several times said that he has to prepare for next week's debates. He seems to think, personally, that his voice carries some weight in the Commission, as the voice of Ukraine.

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